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09/859,706	05/17/2001	Robert B. Chaffee	C0852/7014 JNA	4125

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EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/859,706

Applicant(s)

CHAFFEE, ROBERT B.

Examiner

Lisa M. Saldano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-26 and 29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:

Regarding claim 1, lines 3-4, the phrase “the fluid controller” lacks antecedent basis. It is suggested that the applicant replace “the” in front of “fluid controller” on line 3 with an “a” and replace “a” in front of “fluid controller” on line 4 with “the.”

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10, 19 and 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams, III (4,862,533).

Regarding claims 1-3, 30-32, 34 and 35, Adams, III discloses a sleeping bag and an air mattress whereby the air mattress is an inflatable device comprising a substantially impermeable bladder 36 (see column 3, lines 29-32). The housing 36 is hollow and

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provides a recess sized to accommodate at least a portion of a fluid controller by virtue of the fact that it is hollow and houses portions of a fluid controller that includes a pump means with a motor. The office's interpretation of a recess is provided in light of the definition of a recess given by the Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition, wherein a recess is defined as "*a hidden, secret or secluded place.*" In Figs. 12&13, a fluid controller is disclosed whereby the fluid controller includes a pump means 42 and an electrically powered motor means 124. Adams, III further discloses that the pumps means with motor means 124 is substantially positioned within the mattress housing 36 (see column 3, lines 32-35).

Regarding claim 5, Adams, III discloses a sleeping bag and air mattress as described above wherein the pump means comprises a fluid controller housing made from a pad 126 that surrounds the motor means 124, as well as a bowl 44 and connecting tubes 100 (see column 4, lines 39-41 and Figs. 12&13). The definition of a housing as given by the Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition is "*something that covers or protects.*" Therefore, the protecting pad in combination with the tubes and bowl comprise the fluid controller housing.

Regarding claims 6, 7, 8 and 33, Adams, III discloses a sleeping bag and air mattress as described above wherein the bowl 44 of the fluid controller housing comprises a bowl flange 52 impermeably connected to the bladder 36 (see Fig. 12).

Regarding claim 9, Adams, III discloses a sleeping bag and air mattress as described above wherein the bowl flange 52 is in contact with the fluid controller's housing bowl 44 at an outlet or aperture 38 of the housing.

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Regarding claim 10, Adams, III discloses a sleeping bag and air mattress as described above wherein the remaining portion of the fluid controller comprising the motor means 124 can be removed from the bowl flange disengaging the elbow means 100 from between the flange bowl and the motor means (see Fig.12).

Regarding claim 19, Adams, III discloses a sleeping bag and air mattress as described above wherein the fluid controller is fixedly connected to the bladder 36 and the pump mean 42 including the motor means 124 is embedded in the bladder such that the exterior profile of the fluid controller and the inflatable bladder in combination are essentially the same as the exterior profile of the inflatable bladder (see Fig.12).

Regarding claims 29 and 36, Adams, III discloses a sleeping bag and air mattress as described above wherein the bowl flange of the fluid controller comprises the recess, or hidden or secluded place, within the bladder 36.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, III as applied to claim 1 above, and further in view of Nagashima (JP-05137809-A).

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Adams, III discloses a sleeping bag and air mattress as described above wherein the invention comprises a fluid controller with a switch 130 that can be adjusted from on and off positions (see column 4, lines 45-48).

However, Adams, III fails to disclose that the adjustable switch for the fluid controller comprises locking mechanisms.

Nagashima discloses an adjustment device or a remote control device with a control switch A that can be mated to a pump body B through locking mechanisms.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide first and second locking mechanisms to mate the adjustment switch device of Adams, III to a portion of the invention's fluid controller because it is common to provide a detachable means of attaching an adjustment device, such as a control switch, to a fluid controller, as taught by Nagashima, because it allows one to quickly and easily locate the adjustment device when necessary.

6. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, III as applied to claim 1 above, and further in view of Schafer et al (5,903,941).

Adams, III discloses a sleeping bag and air mattress as described above wherein the invention comprises a fluid controller with a switch 130 that can be adjusted from on and off positions (see column 4, lines 45-48).

However, Adams, III fails to provide details of the source of pressurized air as suggested in the disclosure.

Shafer et al disclose an airbed 10 with an air control system comprising an electrically powered pump (see Figs. 1 and 10). The system comprises tubes 166, 168

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connected to fittings 188 for insertion into inlets 170, 172 (see Fig.1) of the bladders 30, 32 of an air mattress. Shafer et al disclose an adjustment device 42 including switches 106, 108 and 110. The switches communicate to the fluid controller to inflate or deflate the bladders of the inflatable device. The switches are electrically connected to a pump 152, power source 174,176 and solenoid valves 338, 340 to selectively energize and actuate the valves (see column 11, lines 1-8, and column 5, lines 45-52). Movement of a switch causes actuation of a stem connected to valves 338, 340 and withdraws the solenoid, thereby placing the valves in either an open or closed position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the electrical pump, tube and fittings of Shafer et al to the inflation device of Adam, III because the features provided by Shafer et al provide more control of the fluid used to fill the air mattress.

7. Claims 12, 13 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, III as applied to claim 1 above, and further in view of Nagashima (JP-05137809-A) and Schafer et al (5,903,941).

Regarding claims 12, 13 and 22-26, Adams, III discloses a sleeping bag and air mattress as described above wherein the invention comprises a fluid controller with a switch 130 that can be adjusted from on and off positions (see column 4, lines 45-48). Adams, III discloses that the pumps means with motor means 124, which comprise the fluid controller, is substantially positioned within the mattress housing 36 (see column 3, lines 32-35). The bowl 44 of the fluid controller housing comprises a bowl flange 52 impermeably connected to the bladder 36 (see Fig.12).

However, Adams, III fails to disclose that the adjustable switch for the fluid controller comprises locking mechanisms. Adams, III also fails to provide details of the source of pressurized air as suggested in the disclosure.

Nagashima discloses an adjustment device or a remote control device with a control switch A that can be mated to a pump body B through locking mechanisms.

Shafer et al disclose an airbed 10 with an air control system comprising an electrically powered pump (see Figs. 1 and 10). The system comprises tubes 166, 168 connected to fittings 188 for insertion into inlets 170, 172 (see Fig.1) of the bladders 30, 32 of an air mattress. Shafer et al disclose an adjustment device 42 including switches 106, 108 and 110. The switches communicate to the fluid controller to inflate or deflate the bladders of the inflatable device. The switches are electrically connected to a pump 152, power source 174, 176 and solenoid valves 338, 340 to selectively energize and actuate the valves (see column 11, lines 1-8, and column 5, lines 45-52). Movement of a switch causes actuation of a stem connected to valves 338, 340 and withdraws the solenoid, thereby placing the valves in either an open or closed position.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide first and second locking mechanisms to mate the adjustment switch device of Adams, III to a portion of the invention's fluid controller because it is common to provide a detachable means of attaching an adjustment device, such as a control switch, to a fluid controller, as taught by Nagashima, because it allows one to quickly and easily locate the adjustment device when necessary.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the electrical pump, tube and fittings of Shafer et al to the



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inflation device of Adam, III because the features provided by Shafer et al provide more control of the fluid used to fill the air mattress.

***Allowable Subject Matter***

8. Claims 27 and 28 allowed.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-26 and 29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

lms

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